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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 August 1998, at 3 p.m.

Chairman: Mr. GUISSE

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued)

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The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued) (E/CN.4/1998/124-E/CN.4/Sub.2/1998/2, E/CN.4/Sub.2/1998/26, 27, 33 and 34; E/CN.4/Sub.2/1998/NGO/1)

1. Mrs. EIVAZOVA (Observer for Azerbaijan), having described the origins of the conflict involving her country, referred the Sub-Commission to her delegation's letter (E/CN.4/Sub.2/1998/27) concerning the mass deportation of Azerbaijanis from their historical and ethnic lands in the territory of the Armenian SSR between 1948 and 1953. Approximately 20 per cent of the territory of Azerbaijan, including the Nagorny-Karabakh region, was still under Armenian occupation. Armenia had misinterpreted the right of peoples to self-determination as a right of the Armenian ethnic minority in Azerbaijan to create their own State and the violent acquisition of Azerbaijani territories had provoked a war lasting more than 10 years. The gross and flagrant violations of human rights committed by the Armenian military against Azerbaijanis included arbitrary, summary and extrajudicial executions, hostage-taking, torture and the burning of thousands of settlements, historical monuments and places of worship.

2. There were currently a million refugees and displaced persons in Azerbaijan, representing one seventh of the total population. Death rates in the refugee camps were a cause for extreme concern, with 20 per cent of the children dying in their first year. Thousands of prisoners of war were still being held in breach of international humanitarian law. Four Security Council resolutions condemning the Armenian occupation, attacks against civilians and bombardments of the territory of the Republic of Azerbaijan and calling for strict respect for the sovereignty, territorial integrity and inviolability of the internationally recognized borders of the Republic of Azerbaijan had not been heeded.

3. Azerbaijan welcomed the establishment of the permanent International Criminal Court and urged the international community to pay more attention to the serious human rights violations in the occupied areas of Azerbaijan.

4. Mr. SIMKHADA (Observer for Nepal) said that his Government was committed to promoting and protecting human rights. National legislation was being harmonized with international human rights instruments, resources were being targeted to socially vulnerable groups and the activities of non-governmental organizations (NGOs) were encouraged. The Nepalese Prime Minister had himself spent many years in jail or exile in the struggle for the restoration of democracy and human rights in Nepal, and the new political system was characterized by transparency and accountability.

5. The Government had recently conducted free and fair elections throughout the country, except in those few districts that were under the influence of

the so-called Maoists who persisted in their campaign of violence and terror, leaving the Government with no option but to take legitimate measures to maintain law and order.

6. Another challenge facing this Government was the refugee problem. Nepal, a least developed country, continued to provide asylum to many thousands of Bhutanese refugees who represented a huge economic, social and political burden. Despite his Government's willingness to engage in constructive and serious dialogue with Bhutan to secure the right to return of the refugees, little progress had been made.

7. Mr. AL-THANI (Observer for Qatar), speaking on behalf of the Organization of the Islamic Conference (OIC), said that the OIC was concerned about attacks on Islam and its teachings in human rights forums, which appeared to have the object of generating conflict with Muslim peoples and perhaps even justifying certain injustices to which they were being subjected. The Sub-Commission must strongly condemn attempts to attack the religious beliefs of any people.

8. A number of human rights situations involving Muslim peoples were of particular concern to the OIC. In Kosovo, repression by the Belgrade authorities had left hundreds of innocent citizens dead, and had driven 200,000 others from their homes. Yugoslav army artillery, mortar and machine-gun attacks on the ethnic Albanian civilian population had destroyed more than 100 villages in the past 11 days alone. The world was watching silently while Yugoslav troops wreaked havoc in Kosovo.

9. The statement by the Chairman of the Commission on Human Rights, at its fifty-fourth session, had yet to be implemented. The Sub-Commission must thus take immediate action to condemn the violent, excessive and brutal use of force against the innocent civilian population of Kosovo, call upon the Belgrade authorities to withdraw their military forces from Kosovo immediately and call on the international community to take all the necessary steps to put an immediate end to the human rights violations against Albanians in Kosovo.

10. The rights of the people continued to be blatantly violated by the Israeli forces of occupation in Palestine and the other occupied Arab territories. There must be a strong condemnation of the establishment of Jewish settlements, particularly in Jerusalem; of the detention without fair trial of more than 4,000 Palestinians, the legalization of torture and the imposition of collective punishment by demolishing houses and establishing blockades. The Sub-Commission must also take action to ensure that the Palestinian people realized their legitimate rights, above all their right to self-determination.

11. In Jammu and Kashmir, too, the situation had been deteriorating, creating the threat of a conflict with disastrous consequences. There had been an escalation of military operations including unprovoked artillery shelling of Kashmiri villages across the Line of Control, causing the death and injury of hundreds of civilians. It was regrettable that there had been no agreement at the recent Colombo Summit of the South Asian Association for Regional Cooperation (SAARC) for bilateral talks between Pakistan and India to

resolve the conflict. The international community was urged to promote the exercise of the Kashmiri people's right to self-determination in accordance with the relevant Security Council resolutions.

12. Mr. DIAZ URIBE said he was concerned that unilateral interventions by major Powers in the internal affairs of other States, whether in the name of "national security" or of the defence of human rights, were gradually eroding the freedom and capacity for action of the international human rights bodies. As the twentieth century drew to its close, some were inclined to believe that the concept of national sovereignty had been superseded in the era of globalization and that the major Powers had acquired the legitimacy to make such interventions.

13. It must not be forgotten, however, that European colonialism in Africa, which had resulted in underdevelopment and misery, was still quite a recent phenomenon, and that, in Latin America, the United States had not so very long ago imposed and maintained innumerable dictatorships in its battle against "international communism". The need to maintain the democracy of human rights and to strengthen multilateral human rights organizations was all the more pertinent to ensure that not even world Powers were allowed to escape investigation and sanction.

14. It was not always easy for an expert to comment on the situation in his own country. Press reports indicated, however, that the situation in Colombia was deteriorating daily and that violence against civilians was on the increase. Only the previous day, a paramilitary group, the Revolutionary Armed Forces of Colombia (FARC), had attacked two anti-drug units, police and army, in Miraflores, causing the deaths of more than 30 soldiers and policemen, wounding 50 and taking about 100 more prisoner. The situation of internal armed conflict, however complex, could not be used as an excuse to postpone full enjoyment of human rights and Colombia had thus sought to strengthen national human rights mechanisms.

15. An Office of the United Nations High Commissioner for Human Rights had been opened in Bogotá. The new National Peace Council, at a recent meeting with the National Liberation Army (ELN) in Mainz, Germany, had managed to secure a humanitarian agreement to limit the use of anti-personnel landmines in the conflict and to stop abductions for ransom and the recruitment of minors. The Council had also held talks with the Autodefensas Unidas de Colombia, another paramilitary group, resulting in the signing of the Cordoba Declaration which sought to spare the civilian population the atrocities of war by applying international humanitarian standards.

16. Despite those efforts, displacements, massacres and forced disappearances were on the increase, with 150 Colombians currently being held hostage by guerrilla groups and murders, inter alia of human rights defenders. In view of the continuation of the 40-year-old war and the gravity of the human rights situation in Colombia, he sincerely hoped that international cooperation would assist the Colombian Government in its attempts to secure peace.

17. Mr. YOKOTA said he supported an idea initiated by the United Nations Emergency Relief Coordinator that attacks on United Nations relief workers

should be included in the list of war crimes punishable by the International Criminal Court. The protection should include the staff of United Nations-related organs and agencies, and should extend to other humanitarian and human rights workers and NGOs.

18. In 1998 alone, 17 civilians and 13 peacekeeping soldiers had met their deaths in the service of the United Nations. United Nations staff members in the field served in difficult and dangerous conditions, their lives, health and property often being under daily threat. They were often made a deliberate focus of attack in situations of armed conflict. The human rights, lives and welfare of hundreds of thousands of people depended upon the courage and self-sacrificing service of those committed men and women. Given that their mission was of an international character, they could not rely upon their own countries' authorities for protection, nor were they necessarily protected by the Governments or local authorities of the territories in which they worked. Only the international community could give them any protection and he thus urged the Sub-Commission to take appropriate action to begin the process.

19. The classical theoretical distinction between civil and political rights, on the one hand, and economic, social and cultural rights, on the other, had become increasingly irrelevant in the context of actual developments. While civil and political rights had been traditionally described as "negative" rights, which were violated only by States and Governments and were therefore secured in the absence of interference by States and Governments, it had become increasingly clear that they were also violated by non-State actors such as armed insurgents and terrorist groups. In such situations, Governments had the duty to ensure that those rights were not violated, so they had not only a negative role but also a positive or proactive role to play in the protection of those human rights. State sovereignty entailed the obligation to ensure that all human rights were protected in the territory under a State's jurisdiction.

20. The traditional characterization of economic, social and cultural rights as "positive" rights was also no longer completely valid. In some cases, States were required to refrain from exercising power to interfere with people's enjoyment of economic, social and cultural rights. A good example was a Government's duty not to interfere with the enjoyment of economic, social and cultural rights by indigenous peoples.

21. Governments thus had both "negative" and "positive" duties: they had to refrain from using power to interfere with the enjoyment of human rights and fundamental freedoms and they had to take the necessary steps to ensure that no violation of human rights and fundamental freedoms took place in the territory or to the persons under their jurisdiction. They had a particular responsibility to ensure the full enjoyment of human rights and fundamental freedoms by the oppressed, the exploited and the weak.

22. Mr. EIDE said that, when endeavouring to enhance the effectiveness and efficiency of its mechanisms and procedures, the Sub-Commission should pay particular attention to the way in which it dealt with the current agenda item on the violation of human rights and fundamental freedoms. Its role should be not to point the finger on the basis of a superficial review of selective

facts but to contribute to a deeper process of investigation with a view to making a constructive contribution towards the realization of human rights for those living in the society concerned.

23. The most important element in that endeavour was dialogue at all levels, which, it was to be hoped, would become increasingly constructive. The dialogue should take place internationally between Governments, between members of the Sub-Commission and, most important of all, internally within each State and society, leading to the establishment of Governments which were inclusive and responsive to different sectors of society and which operated on the basis of the rule of law whose content was civil, political, economic, social and cultural rights for all without discrimination.

24. Whenever there appeared to be gross and systematic violations in a given State, they should be seen not only as a violation to be condemned but also as a problem to be solved because they blocked the emergence of a social and international order in which human rights could be fully realized.

25. When the Sub-Commission addressed such violations, it should seek to determine what could be done to improve the enjoyment of human rights for all in the society concerned, in which regard it might be necessary to consider both internal and external factors. The nature of the problems should be analysed and they should be addressed in such a way that credible and genuine improvements could be made.

26. There were three categories of human rights violations: systemic violations, violations arising out of serious group conflicts, and aberrational or incidental violations.

27. Systemic violations occurred when there was not a democratic Government in place that was open and responsive to the different sections of the population. There was very often also a weak or non-existent rule of law. Frequently there was rule by decree, with courts subordinate to the executive, severe limitations on freedom of expression and freedom of association and an absence of pluralism and religious tolerance. Many of the countries currently under review by the Commission were those where there were systemic violations of human rights. There were also States where systematic violations had occurred over a long period but to which neither the Commission nor the Sub-Commission had responded effectively.

28. Extensive violations of human rights had begun in Indonesia 32 years previously, and there had been little reaction, possibly because the Government concerned was friendly to the West. President Suharto had gone, and the people were trying to take the quest for human rights into their own hands. Nevertheless, the Sub-Commission should take very seriously reports that shed a disturbing light on the events of May 1998 according to which mob violence against Chinese sections of Indonesian society, rather than being sudden and emotional might have been planned and premeditated by elements in the military.

29. Reports that people had been encouraged to break into Chinese-owned shopes by military units, which had subsequently closed the doors and set fire to them, needed to be investigated. There were also strong indications that

the raping of Chinese women had been carried out not my mobs but by well-trained young men with haircuts typical of the military, in a deliberate attempt to scare the Chinese population into leaving. It was most important that the United Nations should closely monitor the investigation of those reports.

30. A special form of systemic violations of human rights arose when a State defined itself exclusively and militantly in ethnic or religious terms. There was a kind of democracy within the hegemonic ethnic group, but with little tolerance of the other ethnic or religious groups. An example of such a State was Israel where, although a functioning democracy existed, there was a clash between the State's ethnic superstructure and the quest by its Palestinian citizens for human rights, including equality and identity. The dilemma was deep and systemic, and part of the reason why the peace process had stalled.

31. Similar systemic violations could arise when a State refused to accept its pluralistic composition: Turkey was a case in point. The denial of its pluralistic composition had contributed to the very serious conflict with large sections of the Kurdish community; that conflict was unresolvable unless Turkey recognized that there was a sizeable ethnic community called Kurds in Turkey and that that group was entitled to conditions in which it could maintain and reproduce its culture. At the same time, the Kurds had to recognize the territorial integrity of Turkey.

32. Turning to the second category of human rights violations - those which arose when there were serious group conflicts, and particularly when those conflicts erupted into open armed confrontation, he said that, to take the case of Turkey again, there was no doubt that the Kurdish Workers' Party (PKK) had resorted to violence and terrorist acts against both Turks and other Kurds. Although the origin of the conflict was partly due to the denial of Kurdish identity, that was no justification of the methods used by the PKK.

33. Likewise, in Sri Lanka, the Liberation Tigers of Tamil Elam (LTTE) had developed an almost paranoid mentality and respected no human rights. They engaged in the most heinous crimes, using suicide bombers to create havoc and fear and killing not only Sinhala enemies but also Tamil opponents; yet there were still international NGOs willing to lend their support to the LTTE.

34. In the case of Kosovo, the international community should seek a solution on the basis of accommodation, not sucession. The people of Kosovo should be allowed conditions in which they could maintain and reproduce their own culture while being treated as equals within the larger multi-ethnic society.

35. He was very concerned at the situation in Mexico, where there was strong evidence that local government agents and sections of the military had seriously violated the human rights of the indigenous population. The internatoinal community should monitor closely the Mexican Government's policy of reconstruction.

36. In the discussion of the other agenda items, consideration should be given to the way in which the universalization of rights and the globalization of power - which was essentially profit- and technology-driven - related to each other.

37. Mr. PARK said he had serious concern regarding the retrogressive human rights situations in many countries. In other parts of the world, efforts had been made to promote and protect human rights, with a number of countries expressing their commitment to cooperate with the United Nations and its human rights institutions, while a few countries had begun to give priority to human rights programmes in their government policies. Overall, however, progress during the past year had been outweighed by retrogression.

38. The momentum of global democratization would eventually help to advance human rights throughout the world. For example, a democratic Government in the Republic of Korea was led by a President who had once been a victim of human rights abuses himself and who had declared advances in human rights to be one of the main policy objectives of his Government.

39. In his first report on the work of the United Nations in September 1997, the Secretary-General cited the growing trend towards democratization and respect for human rights as one of the fundamental forces reshaping the world. He said that the persistence of human rights violations had led the United Nations to focus its activities more directly on specific areas where violations were committed.

40. The United Nations High Commissioner for Human Rights had stated that her own approach to human rights was based on what she called "an inner sense of justice", and she had told the Commission on Human Rights, at its fifty-fourth session, that the United Nations as a whole had begun mainstreaming human rights into all its work. She had also stated that effective steps could and must be taken to prevent and forestall situations where human rights were threatened.

41. That was one of the Sub-Commission's greatest challenges in the years ahead. To that end, it should continue to make practical recommendations so that individual countries could strengthen human rights education and information in order to enhance public awareness of the need to prevent human rights violations. At the regional level, more countries should increase their cooperation in the human rights field.

42. At the institutional level, the Sub-Commission should give its full support to the High Commissioner in her continuing dialogue regarding human rights problems with Governments and with the relevant United Nations agencies, including the Bretton Woods institutions, which needed to be reminded that the promotion of economic, social and cultural rights and the right to development was essential to the promotion of peace, security, economic well-being and social justice for everyone in the world.

43. Mr. BENGOA said he welcomed the approval by the Commission on Human Rights at its fifty-fourth session of a draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and

Protect Universally Recognized Human Rights and Fundamental Freedoms, which rightly emphasized the obligation of States to protect human rights defenders, who were often the main targets and victims of those who flouted such rights.

44. The draft Declaration, despite certain defects and the inevitable impact of compromise, was a very important document which the Sub-Commission must bear in mind annually when monitoring developments under its agenda item 2. Over the past year, he had received many communications describing the difficult and dangerous circumstances in which human rights activists were operating in various parts of the world. While he had responded to the best of his ability, it was difficult to maintain a clear conscience and he was counting on a more substantive response on the part of the Sub-Commission.

45. A large number of activists, including some who attended the sessions of the Sub-Commission, had problems returning to their countries and carrying out their work. The accusation of terrorism levelled against many of them must be investigated and condemned. Another frequent accusation was that defenders received funds from foreign sources, as though that were a crime. The draft Declaration fortunately set out clear principles in that regard. He therefore urged the Sub-Commission to study it closely and seek ways of enhancing its effectiveness.

46. Mr. MAXIM said that the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights was a fitting occasion to review the progress made in the defence of human rights and to investigate the reasons why serious violations continued to occur throughout the world. The situation in many areas remained grave or had even deteriorated; advances on one front were regularly followed by outbreaks of violence on another. The fragility of human nature and the associated erraticism of human behaviour were largely to blame at both the individual and the collective levels.

47. There was a tendency to assign responsibility for most human rights violations to Governments, understandably enough in the light of their responsibility for the protection and promotion of human rights. Effective responsibility often lay elsewhere, however, in the case of terrorism or contemporary forms of slavery, for example. Many well-intentioned Governments had been confronted for years with the dilemma of how best to tackle such phenomena. It was therefore unrealistic to attribute responsibility in all cases to States and Governments. The Sub-Commission, in particular, must avoid that pitfall.

48. His own country was a case in point. The Romanian regime had been condemned for human rights violations in 1988 and the Romanian people continued to suffer the consequences. Once a country was blacklisted, it had trouble obtaining financial and other forms of assistance. A clear distinction must be made between the culprits and the victims. It followed that the Sub-Commission, in its conclusions and recommendations, must act as an impartial judge, consulting its conscience and acting independently and judiciously.

49. Mr. LOW (African Commission of Health and Human Rights Promoters) said that coloured people were often subjected to discriminatory identity checks in Europe. In Mauritania, not only black immigrant workers but also black

Mauritanian citizens were repeatedly required to furnish proof of identity, while Mauritanian Arabs were never molested. The relevant provisions of international instruments prohibiting discrimination and racial segregation should be implemented, by the Governments that tolerated such practices.

50. Mr. VITTORI (Pax Christi) said that the resolutions adopted at its fifty-fourth session by the Commission on Human Rights regarding violations by Israel of human rights in the occupied territories had remained dead letters. The solution must ultimately come from within Israel itself through the strengthening of opposition to the suicidal policy inspired by anachronistic forces and from international pressure motivated by solidarity with both the Palestinian and Jewish peoples.

51. The security of the two sides was interdependent and a modern military power had nothing to gain from the humiliation of a people deprived of their independence. Concessions had been made by both sides in the Oslo agreements. It was time to abandon empty polemics and relaunch the peace process.

52. He urged the Sub-Commission to launch an appeal on behalf of the two and a half million people effectively sentenced to death by famine as a result of the civil war in the Sudan. Every effort must be made to promote a negotiated solution and a definitive ceasefire.

53. Diplomacy was no longer an acceptable strategy for dealing with a crime against humanity in Kosovo. Europe as a whole must either take action or cover itself with shame yet again.

54. Blame for the outrageous discrimination against women in Afghanistan must be laid squarely on those who directly or indirectly facilitated the violent rule of the pseudo-religious students, the Taliban, over the Afghan people.

55. A very different category of students in Djakarta had not awaited the adoption of a United Nations resolution to topple the corrupt regime in Indonesia. He hoped the Sub-Commission would adopt a resolution supporting the democratization process there and condemning the pogroms against the Chinese community.

56. His organization had taken note of Commission resolution 1998/65 on Iraq but pointed out that the Iraqi people were the main victims of the United Nations sanctions.

57. He trusted that the Sub-Commission would express renewed support for the valiant resistance of Aung San Suu Kyi to the odious military dictatorship in Myanmar.

58. Mr. JOINET said that no progress had been made in the human rights situation in the Congo since the adoption by the Sub-Commission of resolution 1997/1. There had been no presidential or parliamentary elections and the 1992 Constitution, adopted by referendum, had been set aside and replaced by a provisional charter. Both the Government and the opposition had

been guilty of human rights violations. As the Commission on Human Rights had not acted on the Sub-Commission's recommendation to consider the situation, the Sub-Commission should take up the matter again at its current session.

59. With reference to Sub-Commission resolution 1997/2, he pointed out that the Commission's Working Group on Arbitrary Detention had requested the authorities in Bahrain to agree to a mission to the country by a group of its members.

60. Resolution 1997/3 on the situation of human rights in the Democratic People's Republic of Korea had elicited a threat from the authorities of that country to denounce the International Covenant on Civil and Political Rights. As the situation had not improved, he thought it might be appropriate to recommend that the Commission should take the matter up.

61. While there did not appear to have been any real improvement in the human rights situation in Algeria, he was looking forward to reading the report to the Secretary-General on the current high-level fact-finding mission, which had apparently managed to obtain some information that had been hitherto inaccessible.

62. The Indonesian authorities had admitted that women belonging to the Chinese community had been subjected to sexual abuse. It was extremely difficult in such cases to obtain testimony from the victims for understandable reasons but also because of the existence of threats to themselves and their families. Some of those victims were present in Geneva and he urged his colleagues to listen to their testimony. The Indonesian authorities must be called upon to end the impunity enjoyed by the perpetrators of such abuses and to provide protection for the victims, especially those who had had the courage to testify to the current session of the Sub-Commission.

63. He welcomed the acceptance by the Government of Sri Lanka of a mission to the country by the Special Rapporteur on extrajudicial, summary or arbitrary executions. The real tragedy was that both sides in the Sri Lankan conflict believed that victory could be obtained by force of arms so that the Prime Minister's peace programme had been doomed to failure.

64. He had the impression that the human rights situation in Chiapas had overshadowed the situation in the rest of Mexico, particularly the impunity that perpetrators of human rights violations continued to enjoy there.

Statements equivalent to a right of reply

65. Mr. IVANOV (Observer for Belarus) said that the previous morning an NGO representative had made a provocative statement regarding the human rights situation in his country in terms reminiscent of the cold war. His Government not only participated in the work of the Sub-Commission, it was also cooperating fully with the Advisory and Monitoring Group of the Organization for Security and Cooperation in Europe (OSCE). Discussions on human rights had taken place in Parliament, consideration was being given to the establishment of an ombudsman and the National Commission had celebrated the fiftieth anniversary of the Universal Declaration of Human Rights. All those

factors testified to a genuine desire on the part of Belarus to follow the path of democracy and to observe both the spirit and the letter of the Universal Declaration.

66. Mr. DEMBRI (Observer for Algeria) said that the representative of an NGO had levelled unsubstantiated criticisms at his country without taking account of the positive developments that had occurred and the difficulties that had to be surmounted. Algeria had submitted four periodic reports to the human rights treaty bodies over the past three years, detailing the progress that had been made during the transition from the one-party system to a pluralist democracy and market economy.

67. Since 1994, there had been a national dialogue open to all political forces, based on democratic principles and the rejection of violence. Pluralist presidential elections had been held, in the presence of international observers, in November 1995, and the constitutional review adopted by referendum in November 1996 had established the separation of powers, the primacy of Algeria's international commitments and the importance of protecting the population from political excesses. Parliamentary elections had been held in June 1997 and the resulting Parliament, in which 10 parties were represented, played its proper role in maintaining checks on the Government, which was composed of a coalition of three parties.

68. Human rights protection was provided by the National Human Rights Observatory and the Ombudsman. Over the past four years there had been no executions. The law on terrorism and subversion had been repealed, special courts dealing with terrorism had been abolished, all security centres had been closed and a clemency law, as well as a revision of the legislation on information, had been adopted.

69. He absolutely rejected the accusations regarding the behaviour of the security forces in their fully legitimate anti-terrorist activities. In the face of barbarous terrorism, the authorities had taken all the necessary steps to protect people and property. Human rights were fully respected, there was a free press and the country had welcomed a large number of distinguished foreign visitors, including a mission sent by the Secretary-General.

70. Mr. ALDOURI (Observer for Iraq) said that the person who had spoken on behalf of Interfaith International was not a member of that NGO but was a member of the so-called Higher Council for the Revolution, which had its headquarters in a State neighbouring Iraq. It received support from that State and from the Central Intelligence Agency (CIA) and its aim was to distract international attention from the devastating effects of the blockade imposed on Iraq. He rejected the groundless accusations of persons working for foreign intelligence agencies.

71. The clergymen who had been killed were not Iraqis but they had lived in the country for many years. Their assassination had formed part of an undercover plan to terrorize foreign clergy and drive them out of Iraq. Freedom of worship was a right enjoyed by all in Iraq, without discrimination, despite the difficulties imposed by the blockade.

72. The most recent terrorist outrage, a car bomb in Baghdad, the perpetrators of which were being sought, was part of the same pattern.

73. Mr. JOINET, speaking on a point of order, said that, while it was unacceptable for NGOs to slander Governments, it was a very serious matter for a government observer to call another speaker a terrorist. He urged all observers to refrain from such accusations.

74. Mr. SUNGAR (Observer for Turkey), referring to the remarks made by Ms. Daes, said that there had indeed been an assassination attempt on the president of the Turkish human rights organization. The attempt had been condemned at the highest level in Turkey and the culprits had been arrested. His Government had acted with complete propriety.

75. He noted that Ms. Daes' own country had an infamous track record: several diplomats and others had been killed in Greece over the past 10 years and the culprits had never been caught. There was also well-documented evidence of human rights violations against the Turkish minorities in Western Thrace.

76. As for the question of human rights in Cyprus, the matter was too complicated to expound fully. It sufficed to say that he totally rejected her remarks on the issue, which had not been started by Turkey. In all fairness, mention should also be made of the violations of Turkish human rights by the Greek Cypriots over the past 35 years.

77. Mr. WELDEGIORGIS (Observer for Eritrea) said that the statement by the Observer for Ethiopia was a tissue of lies. Since the beginning of the crisis, the Ethiopian Government had accused Eritrea of the very outrages it had itself committed against Eritreans and Ethiopians of Eritrean origin.

78. He invited the Sub-Commission to check with the embassies and international organizations, or better still visit the country, to establish the truth about the allegations. He also referred the Sub-Commission to evidence from the United Nations Development Programme (UNDP), the International Committee of the Red Cross (ICRC), the BBC and the Voice of America, all of which had checked the various allegations and found them untrue or grossly exaggerated.

79. The Ethiopian delegation was unable to name the Ethiopians allegedly expelled from Eritrea, whereas his own delegation had a list - to which it was still adding - of the Eritreans expelled from Ethiopia. The full number of Eritreans and Ethiopians of Eritrean descent expelled, under deplorable and dehumanizing conditions, exceeded 13,000 to date. More than a thousand had been interned in concentration-camp conditions. The Sub-Commission should act decisively on such atrocities, which constituted a crime against humanity. His delegation appreciated the statement by the United Nations High Commissioner for Human Rights expressing her profound concern at the Ethiopian Government's human rights violations. Lastly, he reiterated that Eritrea was committed to transparency; unlike Ethiopia it was actively cooperating with the ICRC, the United Nations and the diplomatic community.

80. Ms. DAES said that, when speaking of the president of the Turkish human rights organization, she had quoted his own words, to the effect that the Turkish human rights record had deteriorated over the past 30 years.

81. As for Greece's record, she emphasized that she did not represent Greece and had never defended it in any human rights forum. She was proud to have worked with the Muslim minority community in Western Thrace. According to that community's own statistics, its numbers had risen from 80,000 in 1923 to the current figure of 120,000. It suffered no discrimination and its representatives held seats in the Greek Parliament.

82. Mr. SINYINZA (Observer for Zambia) said that an NGO had made some unfounded allegations regarding the alleged disappearance of the former Minister of Justice and Commerce of Rwanda. The allegation was based on a misreading of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1998/43) which clearly stated that the former Minister had been found in Rwanda, where she was detained in the Central Prison of Kigali. The Working Group had formally notified the Government of Zambia that the case had been clarified. NGOs could contribute positively to international efforts on human rights only if they were serious and objective in their work and he urged them to investigate issues carefully before attacking sovereign States.

83. Mr. SANDOVAL BERNAL (Observer for Colombia) said that, after many years of armed conflict, there was light at the end of the tunnel for Colombia. Two important groups, one of which included the President-elect, were to meet in order to review the possibility of a dialogue leading to peace. That was only the first step, but it constituted a fundamental advance for the well-being of the civilian population. His Government would not cease its efforts to ensure full respect for human rights throughout the country.

84. International cooperation would be an essential element in the peace process. The establishment of an office of the United Nations High Commissioner for Human Rights in Bogotá testified to his Government's commitment to openness to international scrutiny and cooperation; to the application of recommendations by international human rights bodies; to the adoption of specific measures against impunity; to the protection of human rights defenders and the victims of violations; and to the eradication of the paramilitary phenomenon.

85. Colombia was a democracy affected by violence, but the promotion of peace was taking on ever greater importance. His Government would continue to work, despite all the difficulties, for peaceful coexistence and the strengthening of the rule of law.

86. Mr. AKRAM (Observer for Pakistan), speaking in response to statements by certain so-called NGOs which were actually sponsored by the Indian Government, said that Pakistan had made progress on human rights, despite the difficulties it faced in terms of poverty, underdevelopment, external intervention, terrorism and the necessity to promote the rule of law in a functioning democracy.

87. His delegation valued genuine NGOs, but those sponsored by India participated in various international forums in order to assist the Government of India in pursuing its objectives. Such NGOs made no mention of India itself, with its caste system, multiple apartheid, bride-burning, 17 active insurgencies and the largest number of people in the world living in abject poverty. A real NGO had called India one of the most dangerous places in the world for a human rights activist.

88. India's aim was to confuse and subvert the cause of Jammu and Kashmir, where the plebiscite prescribed by the Security Council in 1949 had never been held and where the nine-year freedom struggle was being brutally suppressed by 600,000 Indian troops. Some 60,000 Kashmiris had been killed and a similar number injured, hundreds of villages had been destroyed and scores of shrines desecrated. If genuine, the NGOs concerned would certainly have condemned the senior BJP member who had endorsed the rape of Kashmiri women. The Sub-Commission should reconsider the participation in its work of such fraudulent NGOs, which could harm its credibility.

89. Mr. GETAHUN (Observer for Ethiopia) said he had some further information to add to the gruesome summary that he had given earlier. Eritrean invading forces had summarily executed in public three individuals in the territory of Badme. They had laid vast numbers of anti-personnel landmines to terrorize Ethiopian civilians and eventually depopulate the occupied territories. Hundreds of persons had been killed or maimed and the number of displaced people had increased by hundreds of thousands.

90. The Eritrean regime had also tried to organize a clandestine organization called the People's Front for Democracy and Justice, with the aim of destabilizing Ethiopia using Eritrean nationals residing in Ethiopia. The illegal organization had been uncovered at an early stage. Its intention had been to raise funds to support the Eritrean war of aggression against Ethiopia; engage in espionage; disseminate war propaganda; and execute missions for the Eritrean Government in Ethiopia.

91. Eritrea's protest at the so-called expulsion of Eritreans from Ethiopia was due not to concern for its nationals but to the fact that the threat of the Eritrean Head of State to strike at the heart of Ethiopia had been foiled by the smashing of the extensive network within Ethiopia. His Government had asked the limited number of Eritreans involved in illegal activities to leave the country. The measure had been taken in accordance with relevant international norms and the ICRC representative had been invited to be present when the individuals were transported. The families of those asked to leave had been permitted to remain and caretakers had been appointed to look after their property.

92. The Observer for Eritrea had had the impudence to cite the International Covenants on Human Rights, which the Eritrean Government had itself not ratified. Moreover, he had disseminated the blatant lie that the ICRC had full access to Ethiopian nationals brutally treated in that country although, in fact, no humanitarian agency was currently able to function there.

The meeting rose at 6.15 p.m.